

Entered - 09/22/00 - sb
CL00L0581 - DIANNE C. MITCHELL

CLAIM OF: **MARIAN HAMILTON,**
through her attorney,
Jonathan E. Sureck
P. O. Box 54783
Atlanta, Georgia 30308

01- *R*-0266

For damages alleged to have been sustained as a result of a vehicular accident on September 1, 2000 at 1300 Arkwright Place.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **MARIAN HAMILTON, through her attorney, Jonathan E. Sureck** the sum of **\$2,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on September 1, 2000 at 1300 Arkwright Place as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY:

Rosalind Rubens Newell

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

Robert N. Coffey DCA

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0581

Date: February 13, 2001

Claimant /Victim MARIAN HAMILTON
BY: (Atty)(Ins. Co.) Jonathan E. Sureck
Address: P. O. Box 54783, Atlanta, Georgia 30308
Subrogation: Claim for Property damage \$ Bodily Injury \$ 2,000.00
Date of Notice: 09/19/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 09/01/00 Place: 1300 Arkwright Place
Department Police Division:
Employee involved J. L. Smith Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle backed into the vehicle in which the claimant was riding causing her to be injured in the above amount.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable X
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 02-13-01
Committee Action: Council Action

JONATHAN E. SURECK

Attorney at Law

404-876-5851

404-873-4905 FAX

September 14, 2000

Mitchell
09/19/00
P.O. Box 54783
Atlanta, Georgia 30308

City of Atlanta
Bill Campbell Mayor
55 Trinity Ave.
Suite 2400
Atlanta, Georgia 30335

ENTERED - 9-22-00 - SB
00L0581 - DIANNE MITCHELL

Re: Dorothy & Swanna Gaston and Marian Hamilton
vs.
J.L. Smith and City of Atlanta

Dear Honorable Campbell:

The purpose of this letter is to provide you with formal notice that a lawsuit for damage will be instituted in the near future against the city of Atlanta by the above clients arising from an automobile incident which occurred on August 8, 2000, on 1300 Arkwright Place in Atlanta, Georgia. The incident involved our clients, wherein J.L. Smith, driving a 1999 Ford Crown Victoria owned by the City of Atlanta improperly backed into our clients.

As provided by law, please advise this office as to the name of your insurance carrier. We are currently investigation our clients claims and damages and after a complete investigation, we will be in touch with you for the purpose of submitting a settlement package.

Under Georgia Law you will have to be served with a copy of the lawsuit as mayor/representative of the city of Atlanta. See O.C.G.A. Section 36-1-5. Please consider this letter the official required notice of my clients against the city of Atlanta as required by O.C.G.A. Section 36-11-1.

Sincerely,


Jonathan E. Sureck

JES/ly

01-~~2~~ -0266